

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

March 17, 1997

UNITED STATES OF AMERICA)	
Complainant,)	8 U.S.C. § 1324a Proceeding
)	
vs.)	OCAHO Case No. 96A00083
)	
CONTAINER PACKAGING, INC..)	
Respondent.)	

ORDER OF DISMISSAL-SETTLED

This is an action arising under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a (INA), in which the United States Department of Justice, Immigration and Naturalization Service (INS) is the complainant and Container Packaging, Inc. is the respondent. On July 29, 1996, INS filed a complaint consisting of three counts with the Office of the Chief Administrative Hearing Officer (OCAHO). On September 3, 1996 respondent's General Manager, acting on behalf of the company, filed a timely answer. Respondent thereafter engaged counsel who filed an amended answer, and settlement discussions ensued.

On March 10, 1997, the complainant filed an executed Settlement Agreement signed by both parties, which resolves all issues raised by the complaint. The entire record in this matter consists of the Complaint, the Notice of Hearing, the Answer, a Notice of Appearance, the Amended Answer, the Reply to the Amended Answer, and the Settlement Agreement and proposed order.

Under § 68.14(a) of the OCAHO Rules of Practice and Procedure:

- (a) Where the parties or their authorized representatives or their counsel have entered into a proposed settlement agreement, they shall:
 - (1) Submit to the presiding Administrative Law Judge:
 - (i) The proposed agreement containing consent findings; and
 - (ii) A proposed decision and order;
- or (emphasis added)

- (2) Notify the Administrative Law Judge that the parties have reached a full settlement and have agreed to dismissal of the action. Dismissal of the action shall be subject to the approval of the Administrative Law Judge.

28 C.F.R. § 68.14.

In this case, I find that the parties have complied with the requirements of 28 C.F.R. § 68.14(a)(2). I have reviewed the Settlement Agreement, and I find that its terms are appropriate pursuant to 28 C.F.R. § 68.14(a).

I further find that under the terms of the Agreement, and pursuant to 28 C.F.R. § 68.14:

1. Respondent has withdrawn its request for hearing on the merits,
2. this matter is dismissed with prejudice in that respondent will pay a civil monetary fine in the total amount of \$13,500.00 with periodic payments to be made in the manner set forth in the Settlement Agreement,
3. it is appropriate to dismiss the action at issue in the instant proceeding based upon the parties' notification made pursuant to 28 C.F.R. § 68.14(a)(2), and
4. the Complaint is dismissed.

SO ORDERED

Dated and entered this 17th day of March, 1997.

Ellen K. Thomas
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 1996, I have served copies of the foregoing Order of Dismissal-Settled on the following persons at the addresses indicated:

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